

Application No. 09/801,201
Preliminary Amendment dated Feb. 27, 2004

REMARKS/ARGUMENTS

Applicants have canceled, amended, or added claims as itemized below:

- Claims 6-8 have been withdrawn.
- 5 Claims 18, 20, 22, 26, and 30 are canceled herein.
- Claims 1, 4, 5, 11-17, 19, 21, 23-25, 27, 28, and 29 are amended herein.
- Claims 2, 3, 9, 10, and 28 are as originally filed.
- Claims 31-73 are new.
- 10 Applicants have withdrawn Claims 6-8 that read on a rate-of-change control device. The rate-of-change control device is a subcombination of a rate-of-change switch and includes only a differentiator and a comparator, whereas the rate-of-change switch also includes a transducer.
- 15 Applicants have narrowed independent Claims 17, 21, and 25, for the purpose of avoiding restriction. This has been done by making Claim 17 dependent, and by reciting method of Claim 21 and the apparatus of 25 to recite a switching function is produced by differentiating an output of a transducer.
- 20 Applicants respectfully submit that Claims 17, 21, and 25 were allowable as written, and Applicants may elect to prosecute claims of this type in a subsequently-filed Divisional or Continuation-in-part patent application.
- New independent Claim 31 is a methods claim that recites the essential steps of the invention; and dependent Claims 32-49 recite variations, including methods for control of various apparatus that include differentiated outputs.
- 25 New independent Claims 50, 53, and 57, and their respective dependent claims (51-52, 54-56, and 58-61) recite a novelty of the invention in which outputs of transducer control both proportional control and switching functions.
- 30 New independent Claims 62 and 63 recite basic elements of a switch that is actuated by a rate-of-change of an output of a transducer.
- New independent Claim 64 and dependent Claim 65 recite activating of control of an apparatus in response to a rate-of-change of an output of a transducer.

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New independent Claim 66 and dependent Claim 67 recite activating control a selected apparatus in response to a rate-of-change of an output of a transducer.

5 New independent Claim 68 and dependent Claims 69-73 recite control of an environmental control unit in response to a rate-of-change of an output of a transducer.

21, 23-25, 27-29, and 31-73.

10 Because of amendment of the independent claims, cancellation of some of the independent claims, and addition of new independent claims, all of the aspects of the invention have been changed. Therefore, Applicants have replaced the original aspects with new aspects, as indicated.

15 Paragraphs [0077], [0082], and [0169] have been amended to provide antecedent basis. Applicants respectfully submit that no new matter is involved.

20 Applicants respectfully request that this amendment be entered, including all of the amended and new claims, believing that the subject amendment meets the requirement for entry of 37 CFR 1.115(b)(1) – namely, that a preliminary amendment not unduly interfere with preparation of the first Office Action.

25 With regard to 37 CFR 1.115(b)(1)(i): In a telephone conversation with Examiner on February 26, 2004, Examiner said that it would be about two months before he would be acting on the subject patent application. Therefore, Applicants respectfully submit that entering the subject amendment will not unduly interfere with preparation of the first Office Action.

30 With regard to 37 CFR 1.115(b)(1)(ii): Applicants believe that the subject amendment will reduce the complexity of a patentability search. That is, in Claims 6-8, now canceled, Applicants claimed a subcombination to the rate-of-change switch. Since the combination includes only a differentiator and a combiner, it seems to Applicants that a patentability search would be extremely difficult. That is, although this combination may be novel, it could occur in any of a vast number of different devices. Therefore, Applicants believe that this amendment simplifies searching.

Continuing to consider 37 CFR 1.115(b)(1)(ii): Although Applicants have increased the number of claims, all of the claims recite a switching function in which a manually-actuated transducer produces an output, the output is differentiated, and switching occurs in response to the differentiated output. With this recitation in all claims (although in varying forms, and in various apparatus), Applicants believe that examination is simplified.

While Applicants have increased both the number of independent claims and the total number of claims, Applicants respectfully submit the total number of claims is commensurate with the uniqueness and importance of the invention.

In view of the foregoing arguments, Applicants respectfully request entry of the present amendment with all of the claims thereof.

Respectfully submitted,



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Enclosures:

Transmittal, PTO/SB/21
Fee Transmittal, PTO/SB/17
Patent Application Fee Determination
Record, PTO/SB/06

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